E&P.H (1940) Department.

MS SERIES.

G.O. No. 2380

13/

Dated 1/6/40

[Despatch Abstract.]

Buildings - Rules - Mangalore Municipality - Srimati Hemavathi Reconsideration of G.O. No.4470 P.H. dated 13th December 1938 - Refused.

Local Administration **DEPARTMENT.**

5226

Received 18 DEC 1939 19 . *Registered* 19 .

Subject.

Building License - Reconstruction of shop building - T.S.No.199-19, 20 & 21 of 14th ward - Guliga Hithlu Scheme Area.

Reference : G. O. No. 4470-P.H. dated 13.12.1938.

ENCLOSURES.
No. 100
Spare copies

Ref. C No. 279/H3-39

Station Mangalore , *Dated the* 9th December, 19 39

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,
(Designation) Commissioner, Municipal Council,
Mangalore.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Through Fort St. George, Madras.
The Chairman,
Municipal Council;
Sir, Mangalore.

Government in their Order No.4470-P.H. dated 13.12.1938 were pleased to exempt the building -- reconstructed in T.S.No.199-19, 20 & 21 of 14th ward by H. Ramachandra, from the operation of Rule 8 of the Building Rules, as a special case, subject to the condition that the zinc sheet roof put over the steps is removed. In accordance with this G.O. Sri H. Ramachandra was asked to remove the zinc sheet roof provided over the steps of the building. On 7.1.1939 one Mrs. Hemavathy, sister of H. Ramachandra submitted that

submitted that the building under reference has fallen to her share under an award decree. But as no documentary evidence was produced in support of this statement a notice was again issued to both Ramachandra and Hemavathy calling upon them to remove the zinc sheet roofing. Mrs. Hemavathy preferred an appeal to the Council against this notice and requested the Council to permit her to retain the zinc sheet roof on the ground that the zinc sheet serves the purpose of a sunshade and is of a temporary nature. The Council in its Res.No. 31 dated 13.3.1939 referred the appeal to the Law Committee. The Law Committee in its Res.No. 3 dated 17.7.1939 (copy enclosed) recommended that license may be granted for the zinc sheet roof as the roof is in the nature of a sunshade and is not supported by any pillars. The Council in its Res.No. 74 dated 15th November, 1939, (copy enclosed) has accepted the opinion of the Law Committee.

2. The zinc sheet roof under reference is of a temporary nature and serves the purpose of a sunshade. It does not extend over the road; neither does it cause any obstruction to traffic. The party has expressed her willingness to take out license for the zinc sheet roof. Under the circumstances I request that Government may be pleased to waive the condition subject to which license was granted for the building in G.O.No.4470-P.H. dated 13.12.1938 and permit the party the retain the zinc sheet roof.

12-12-39

Commissioner, M. M.

Forwarded

Chairman, N.C.

CMS/11.12

Extract from the Proceedings of a meeting of the Law Committee, held in the Municipal Office, Mangalore, dated the 17th July, 1939.

PRESENT.

Sri B. Venkatarao Baliga, B.A., B.L., M.L.A., Chairman.
C.L.Lobo, Esq., B.A., B.L.
" Pandit Gajanana Rao.
Janab A. Moosabba Saheb Bahadur, B.A., B.L.

3. Read Council's Resolution No. 31 dated the 13th March 1939 referring to the Law Committee the appeal petition dated the 17th February 1939 from Mrs. Hemavathi, requesting to allow her to retain the zinc sheet roof provided to the building in T.S.No.199-19, 20 & 21 of 14th ward and the -- Commissioner's note thereon.

When in accordance with the resolution of the Council No.45, dated the 27th August, 1938, a reference was made to the Government recommending that the action of licensee may be condoned it was pointed out that the steps are covered by a temporary roof of zinc sheet.

By G.O.No.4470-P.H. dated the 13th December, 1939, the Government have granted exemption subject to the condition that the roof of zinc sheet over the steps is removed. The zinc sheet roof is in the nature of a sun shade and is not supported by any pillars. It does not extend on the public road and no portion of it extends even on the drain by the side of the road. It is of a temporary nature and does not cause any obstruction to traffic. Having regard to the peculiar whether conditions of this place such temporary sunshades seem to be ncessary. Having regard to the provisions of section 183 of the Madras District Municipalities Act which empower the Council to grant license to the owners or occupiers of premises to put up balconies, sunshades etc. even projecting over a street the Government may be requested to alter the

condition by permitting the owner to retain the ~~xxxxing~~ covering over the steps if a license be issued by the Council. The owner has already expressed her willingness to take out license.

X X X

/Sd/ B. Venkatarao Bali
Chairman, M. C.

/ True Extract /

12.12.28

Commissioner, M.M.

Extract from the Proceedings of the Mangalore Municipal Council dated the 15th November, 1939

Present.

X X X

Read Council Res.No. 70 dated 6th July 1939 referring to the Law Committee appeal petition dated the 17th February 1939 from Mrs. Hemavathi requesting to allow her to ~~xxxix~~ retain the zinc sheet roof provided to the building in T.S.No.199-19, 20 & 21 of 14th ward and the Law Committee's remarks that further reference to the Law Committee was probably due to some oversight as the Committee had already submitted its recommendations - Vide Resolution of the ~~ℓ~~ Law Committee dated 17th July, 1939.

Res. No. 74.

Law Committee's opinion is accepted.

(Sd.) L. C. Pais,
Vice-Chairman, M.C.

/ True Extract /

12-12-39

Commissioner, M.M.

CMS/

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9/1

Edn 4
(10862/H3-3

pp 1-2 of C-No. 38936 F. From the Commn, Mangalore Mty, Ref:
pp 4-7 of — " 40 45 I.F. From — do — do — do — No. 12671/H3-39, dt.
pp 9-10 of — " 52264 F From — do — do — do — No. 13400/H3-39,
pp 12-14 of " 52265 F. From — do — do — No. 13405/H3-39, dt 9
pp 17-18 of " 52266 F " " " No. 279/H3-39, dt 9-1

10.9.40

Memo. No. 38936 F/39-1, dt 8-1-40

Buildings - Mangalore Mty - Rules - Exemption.

Referred to the O. T. P. for remarks

To

The O. T. P. (with pp 1-21 ff.)

H.L. 5/1/40

6/1

SRK
8-1-40

With Greets
9/10.1.40

Town Planning // DEPARTMENT.

9

Received 16 FEB 1940 19

Registered 19

6407

Subject.

Buildings - Mangalore Municipality - Rules - Exemption.

Enclosures.

No.

Spare copies

D.T.P. No. 52/40

Station Mount Road, Madras Dated the 15th February, 1940.

16

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,

(Designation) Ex-Officio Director of Town Planning,

To The Secretary to the Government of Madras,

Education & Public Health Department.

Sir,

Ref: Govt. Memo. No.38936-F/38-1 dated 8-1-40 forwarding 5 applications for exemption from the building rules.

Resubmitted.

1. Commissioner's ref. 10862/H3-39 dated 14-9-39 re. construction of compound wall 3 ft. above the level of the compound by the Director of St. Antony's Charity Institute.

The general exemption granted to the Calicut Municipality in G.O.No.721 dated 22-2-1938 may be extended to Mangalore Municipality also, allowing compound walls of 3 feet height above the level of the compound where the compounds are at a higher level than the level of the road.

p.t.o.

2. Commissioner's ref. 12871/H3-39 dated 19-9-39 relating to the following 5 cases of deviations from building rules.

(i) Construction of a motor shed by Sri Vasudeva in T.S.No. No.141/16 of 20th ward. The construction lies in town planning area. There is no case of violation of building rules or scheme regulations. The Council may permit the construction if it is satisfied that section 203 of Madras District Municipalities Act is not contravened.

(ii) Reconstruction and extension of a storeyed building by Mrs. Shanta Bai in T.S.No. 34 of 12th ward. The Government may exempt the reconstruction of the storeyed building from the operation of rule 8 of the building rules, as a special case.

(iii) Construction of three buildings by Sri B.Jarappa in in T.S.No. 1548/6 of 4th ward. The site is in town planning area. The mere fact that the scheme is not sanctioned by Government cannot be an argument for the Council to permit deviation from the town planning conditions. The municipal council has necessary powers under section 17 of the Town Planning Act to refuse or sanction an application subject to any conditions in accordance with the requirements of the scheme, and it will be highly prejudicial to the development of the area on proper town planning lines, if the council fails to impose the scheme conditions while sanctioning any application. In future the council should see that not only the building rules but also the scheme conditions are satisfied by every building constructed or reconstructed in town planning areas.

In as much as the construction contravenes rule 8 of the building rules - apart from the town planning scheme - and the work has already been completed, the Government may grant exemption from rule 8, as a special case.

(iv) Construction of verandah in front of the shops in the 4 feet space and an additional room in the rear, not shown in the plan, by Mr. Antony Alvares in T.S.No.75 A of 2nd Kodialbail ward.

Under the circumstances reported by the Commissioner, the council's action may be approved by Government condoning the violation of rule 8.

(v) Construction by Mr. Piad D'Souza in T.S.No.1010 of 5th ward of shops on the alignment of town planning scheme roads. It would be always better for the council not to permit at all any construction in land covered by projected streets or street widenings. In the present case, the Government may approve the action of the council permitting the construction within the projected road widening subject to the party removing it at his own cost when called upon to do so.

3. Commissioner's ref. 13400/H3-39 dated 9-12-39 re. conversion of passage into a shop room in T.S.No.199 of 14th ward by Srimathi Hemavathi. The construction of shop room may be exempted from rule 8 subject to the condition that the zinc sheet roof in front of the shop should be removed.

4. Commissioner's ref.13405/H3-39 dated 9-12-39 re. repairs and extension of building by Sri G.Hanumantha Pai in T.S.No.108 of 12th ward. Suitable steps should be taken by the municipality to see that a proper approach road giving access to the house or building and connecting with an existing street is provided by the owner in accordance with the requirements of the Madras District Municipalities Act and the bylaws regulating street construction.

Subject to the above, the construction already made by the party may be exempted from the operation of rule 24(1) of the building rules if the conditions specified in the report of the committee appointed by the council and approved by it in its resolution No.57 dated 15-11-39 will be complied with.

5. Commissioner's ref. 279/H3-39 dated 9-12-39 re. retention of the sunshade ordered to be removed in G.O.No. 4470 P.H., dated 13-12-1938 in T.S.No.199/19-21 of 14th ward by Srimathi Hemavathi. The Government in their G.O.No.4470 P.H., dated 13-12-1938 have already relaxed certain provisions of the rules on condition that the sunshade is removed.

There are no special reasons for a reconsideration of the order already passed by the Government.

R Ramalingam

ve.15.2 for Ex-Officio Director.

20/10/42

Extract from the letter of the Ex-officio Director of Town Planning, addressed to the Secretary to Govt., P.H. Dept. D.T.P.No. 453/40, dated 15/16th February, 1940.

Building - Mangalore Municipality - Rules - Exemption.

(M) The Government in their G.O.No. 4470 P.H. dated 13-12-38 have already relaxed certain provisions of the rules on condition that the sunshade is removed. There are no special reasons for a reconsideration of the order already passed by the Government.

C.F. 30

GOVERNMENT OF MADRAS
18 MAY 1940
EDUCATION AND PUBLIC HEALTH DEPT.

...tion DEPARTMENT.

Received ... *Registered* 20609 19

Subject.
Building rules — exemption.

Ref:- This office C.No.H3-10862/39 dated 14.9.1939
" H3-12871/39 dated 19.9.1939
" H3-13400/39 dated 9.12.1939
" H3-13405/39 dated 9.12.1939
" H3-279/39 dated 9.12.1939

pages 1 - 2 ante

ENCLOSURES.
No. ...
... ...
Spare copies ...

Ref.C. No. C4-797/40

Station MANGALORE, ..., *Dated the* 9th M A Y, 1940:

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,
(Designation) Commissioner, Municipal Council,
M a n g a l o r e.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Through The Chairman, Fort St. George, M A D R A S.
Municipal Council,
Mangalore.

Sir,

I invite your attention to this office references noted above and request that early orders may be passed on them.

Commissioner, M.M.

F o r w a r d e d:

M Narayana Shenoy
Chairman Delegate, M.C.

CMS/13.5.40

61
T.C.M.

Date. Initials.

DRAFT FOR APPROVAL.

C.F. 16.

E & P. H. Dept.

When received for fair copying ..
When copied ..
When examined..
When signed ..
When despatched.

SUBJECT :—

Buildings - Rules - Mangalore municipality - Srimati Hemavathi Re consideration of G.O. no. 4470 P.H. dated 13.12.38 - Refused.

(M) READ AGAIN G.O. no. 4470 P.H. dated 13-12-38 19
" " " 19

READ *ALSO* :—

From the Coorg Mangalore municipality No. 279/H3/39 dated 9-12-1939
" D.T.P. " 452/40 " 16.2.1940
" Comr. Mangalore municipality " C4-297/40 " 9-5-1940
Order / Resolution Ms. / Rout. No. 2380 dated 1.6.40 19

52266/39

(AA)

The Govt see no reason to reconsider the orders already passed in G.O.no.4470 P.H. 13.12.38

by 24.5.40.

SRM 29.5.40

27/5

5.

RMK 30/5

To

The Coorg. Mangalore municipality through the D.H.C. Mangalore ✓
(with rd. file retd.) ✓
The D. T. P. ✓

31 MAY 1940

Dpd. by Despatcher
Dpt's Initials
Date 1/6/40